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10/608,192

06/30/2003

Kestutis Patiejunas

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SHOOK, HARDY & BACON L.L.P.

(c/o MICROSOFT CORPORATION)

INTELLECTUAL PROPERTY DEPARTMENT

2555 GRAND BOULEVARD

KANSAS CITY, MO 64108-2613

EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,192

Applicant(s)

PATIEJUNAS, KESTUTIS

Examiner

Ramy M. Osman

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on June 30, 2003. Claims 1-48 are pending examination.

Specification

2. The disclosure is objected to because of the following informalities: Update ¶ 1 with current serial number. Appropriate correction is required.

Claim Objections

3. Claim 33 objected to because of the following informalities: Claim 33 depends upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 recites the limitation "the remote destination" in line 7. There is insufficient antecedent basis for this limitation in the claim. Applicant is requested to correct any subsequent occurrence of this limitation in other claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-48 rejected under 35 U.S.C. 102(e) as being anticipated by Bolik (US Patent No 6857053).**

8. In reference to claim 1, Bolik teaches a system for managing the transmission of data, comprising:

an input interface to receive a plurality of message objects generated from data from at least one data source (column 6 lines 3-7);

a transport interface to a transport layer (column 3 lines 20-30); and

a communication engine, communicating with the input interface and the transport interface, the communication engine buffering the message objects for transmission to the remote destination via the transport layer (column 6 lines 18-34).

9. In reference to claim 2, Bolik teaches a system according to claim 1, wherein the at least one data source comprises a network (column 3 lines 12-20).

10. In reference to claim 3, Bolik teaches a system according to claim 2, wherein the network comprises at least one server (column 3 lines 12-20).

11. In reference to claim 4, Bolik teaches a system according to claim 3, wherein the network comprises a local area network (column 3 lines 15-20).

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12. In reference to claim 5, Bolik teaches a system according to claim 1, wherein the transport layer comprises a Transport Control Protocol layer (column 3 lines 10-35).

13. In reference to claim 6, Bolik teaches a system according to claim 1, wherein the remote destination comprises a storage host (column 3 lines 21-26).

14. In reference to claim 7, Bolik teaches a system according to claim 1, wherein the communication engine queues the message objects in at least one output buffer (column 6 lines 18-34).

15. In reference to claim 8, Bolik teaches a system according to claim 1, wherein the at least one data source comprises a plurality of data sources (column 3 lines 12-20 and column 6 lines 3-7).

16. In reference to claim 9, Bolik teaches a system according to claim 8, wherein each of the data sources is associated with at least one corresponding session (column 6 lines 3-34).

17. In reference to claim 10, Bolik teaches a system according to claim 9, wherein the communication engine binds at least one session to at least one of a plurality of connections to the remote destination (column 6 lines 3-34).

18. In reference to claim 11, Bolik teaches a system according to claim 10, wherein the communication engine binds more than one session to at least one of the connections to the remote destination (column 6 lines 3-34).

19. In reference to claim 12, Bolik teaches a system according to claim 1, wherein the buffering of the message objects is performed at least in part according to a state of a message completion port (column 6 lines 3-37).

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20. In reference to claims 13-24, claims 13-24 are method claims that correspond to the system claims of 1-12. Therefore, claims 13-24 are rejected based upon the same rationale as the rejections of claims 1-12.

21. In reference to claims 25-36, claims 25-36 are database claims that correspond to the system claims of 1-12. Therefore, claims 25-36 are rejected based upon the same rationale as the rejections of claims 1-12.

22. In reference to claims 13-24, claims 37-48 are message object claims that correspond to the system claims of 1-12. Therefore, claims 37-48 are rejected based upon the same rationale as the rejections of claims 1-12.

Conclusion

23. The claims have been given their broadest reasonable interpretation. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO

May 22, 2007

 5/29/07
YVES DALENCOURT
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100